

Case Number: PMT \_\_\_\_\_ - \_\_\_\_\_  
Permit Number: ENC \_\_\_\_\_ - \_\_\_\_\_



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS  
**ENCROACHMENT PERMIT APPLICATION**

Wade Horton, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

**LAND OWNER INFORMATION**

Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

City, Zip: \_\_\_\_\_ Telephone (24-hr): \_\_\_\_\_

Signature of Land Owner / Agent: \_\_\_\_\_ (Date) \_\_\_\_\_

*I, the above signed applicant, am the land owner or authorized agent of the land owner do hereby certify that the information provided on this application is, to the best of my knowledge, true and accurate. I also, by signing this Application do hereby agree to abide with the Agreement Clause stated below.*

**CONTRACTOR / UTILITY FRANCHISE INFORMATION**

Name: \_\_\_\_\_ License No: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City, Zip: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Email: \_\_\_\_\_

Telephone (24-hr): \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ (Date) \_\_\_\_\_

*I, the above signed, am properly licensed to perform the work described in this Application, do hereby certify that the information provided on this Application is, to the best of my knowledge, true and accurate. I also, by signing this Application do hereby agree to abide with the Agreement Clause stated below.*

**PROJECT SITE INFORMATION**

Project Address or Assessor Parcel Number: \_\_\_\_\_: City, Zip: \_\_\_\_\_

Est. Start Date: \_\_\_\_\_ Est. Completion Date: \_\_\_\_\_

☐ Curb, Gutter, Sidewalk\* ☐ Driveway ☐ Public Improvement ☐ Utility

*\*\*For Curb, Gutter, and Sidewalk installation with a building permit see <http://www.slocounty.ca.gov/PW/DevServ/permitInfo/CGSInfo.htm> for additional information.*

Description of Work: \_\_\_\_\_

**California Environmental Quality Act CEQA**

Your project may require a CEQA Report. It will be determined during the evaluation of your project if the report is required.

☐ CEQA Report NOT required ☐ CEQA Report required ☐ CEQA Report Attached

**Agreement Clause:**

- The applicant agrees and accepts that the work will be conducted in accordance with the Encroachment Permit Conditions, the (County) Public Improvement Standards, the Streets and Highways Code, State Vehicle Code, and these attached Provisions.
- The applicant agrees and accepts that any work within the right of way of a county maintained road shall be performed by an appropriately licensed and bonded contractor, and shall provide traffic control per the latest California Manual of Uniform Traffic Control Devices.
- The permittee shall defend, indemnify and save harmless the County of San Luis Obispo, its officers, agents and employees from any and all claims, demands, damages, costs, expenses, or liability that relate in any way to this permit, including, but not limited to, any act or omission on the part of the permittee, or of agents, employees, or independent contractors directly responsible to the permittee; including, but not limited to, any defects, flaws or errors in the design or performance of any work under this permit, providing further that the foregoing shall apply to any acts, or omissions to act, committed jointly or concurrently by the permittee, the permittee's agents, employees or independent contractors, and the County, its agents, employees or independent contractors. Nothing contained in the foregoing indemnity provisions shall be construed to require the permittee to indemnify the County against any responsibility or liability in contravention of Section 2782 of the Civil Code.



**DRAW AND LABEL ALL EXISTING IMPROVEMENTS (STRUCTURES, HARDSCAPE, LANDSCAPE, ETC.) AND THE PROPOSED NEW IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING (CLEARLY DIFFERENTIATE BETWEEN EXISTING AND PROPOSED):**

- 1. Hardscape (asphalt and/or concrete) to include driveway approaches, parking areas, paving, curbing and/or berms, sidewalks, curb and gutters, etc. Label type and dimensions.
- 2. Drainage facilities, both major and minor.
- 3. Trenching and/or the placement of utilities to include utility boxes, pedestals, pads, vaults and poles, etc. shall be delineated in a typical trench detail outlining the size, type, length, location, etc.
- 4. Landscaping to include trees, shrubs, groundcover, irrigation facilities, walls, pillars, fences, gates, and a planting schedule/legend.
- 5. All other miscellaneous construction and improvements (mailboxes, etc).

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

Issuance of Encroachment Permits is a discretionary action performed by the Road Commissioner (Public Works Director) or his designee. Therefore the work that is contemplated by this encroachment permit qualifies under CEQA as a project and is also subject to CEQA review by Public Works. The Permit Coordinator may consult the Environmental Division prior to permit issuance. However, the following is typically exempt from additional review:

1. Work with no anticipated site disturbance.
2. Standard driveways or utility service connections when also included under a building permit.
3. Minor utility repair work which is contained within the disturbed road section.
4. Utility work that is included within a blanket utility permit.
5. Work is performed by a utility or other agency that is acting as a CEQA lead agency, or
6. The proposed work is already addressed under another CEQA review.

**IF APPLYING FOR A UTILITY ENCROACHMENT:**

If the proposed utility work involves less than 100 linear feet, use the attached graph sheet to provide a detailed drawing of utility installation / work plans for your project. Make sure to include accurate dimensions of any utility lines in order to process your permit application. Submit approved project plans, where available, to the permit engineer as requested.

If the proposed utility installation / work project involves 100 linear feet or more in length, submit the following to the permit engineer along with your application.

Three (3) sets of plans (No larger than 24" x 36") to include the following information:

1. Site Plan (Vicinity Map) showing the private property line and County Road Right of Way in relationship to the edge of street pavement.
2. The edge of the pavement and gutter lip.
3. North Arrow and Scale. Scale must not be smaller than 1"=20'.
4. Addresses and Assessor's Parcel Numbers.
5. Trenching and/or the placement of utilities to include utility boxes, pedestals, pads, vaults and poles, etc. shall be delineated in a typical trench detail outlining the size, type, length, location, etc.
6. Trench Detail (Depth, Width, etc.)

**IF APPLYING FOR A DRIVEWAY ENCROACHMENT:**

Use the attached graph sheet to provide a detailed drawing of the property adjacent to the county maintained road and the location of the proposed driveway. Show property lines and buildings in relation to the county roadway.

(Encroachments included with a building permit application are not required to complete this application. An encroachment permit will be issued through the building permit process.)

**IF APPLYING FOR A MISCELLANEOUS ENCROACHMENT:**

Provide a detailed drawing of your proposed miscellaneous project on the graph sheet attached. More complex projects may require engineered plans, and will be determined by the permit engineer at the time of application.

# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

## STANDARD ENCROACHMENT PERMIT PROVISIONS

### GENERAL

1. Authority. This permit is issued pursuant to Chapter 13.08 of the San Luis Obispo County Code and Chapter 5.5 (commencing with Section 1450) of the Division 2 of the California Streets and Highways Code, the provisions of which are incorporated herein by reference as though fully set forth herein. Special event permits with are issued pursuant to Chapter 15.610 of the San Luis Obispo County Code and Chapter 2 (commencing with Section 942) of the Division 2 of the California Streets and Highways Code, the provisions of which are incorporated herein by reference as though fully set forth herein. Issuance or denial of permit may be appealed to the Board of Supervisors. All board decisions are final and conclusive.
2. Definitions. The word "County" as used herein means the County of San Luis Obispo acting by and through its director of Public Works or his duly authorized representative. For special event permits, the word "work" as used herein refers to all activities related to the special event.
3. No Precedent Established. This permit is granted with the understanding that this action is not to be considered to establish a precedent concerning any kind of encroachment within the county right-of-way.
4. Permits from Others. When the law requires the consent to any work hereunder from any other public board or person having jurisdiction, this permit shall be suspended unless and until such consent is obtained.
5. Permission from Property Owners. Whenever it is necessary to secure permission from abutting property owners, such authority must be secured by the permittee prior to the starting of work.
6. Responsible Party. No party other than the named permittee or their agent is authorized to work under any permit.
7. Notice Prior to Starting Work. Before starting work under the Encroachment Permit, the permittee shall notify the county inspector 24 hours prior to initial start of work.
8. Indemnity. The permittee shall defend, indemnify and save harmless the County of San Luis Obispo, its officers, agents and employees from any and all claims, demands, damages, costs, expenses, or liability that relate in any way to this permit, including, but not limited to, any act or omission on the part of the permittee, or of agents, employees, or independent contractors directly responsible to the permittee; including, but not limited to, any defects, flaws or errors in the design or performance of any work under this permit, providing further that the foregoing shall apply to any acts, or omissions to act, committed jointly or concurrently by the permittee, the permittee's agents, employees or independent contractors, and the County, its agents, employees or independent contractors. Nothing contained in the foregoing indemnity provisions shall be construed to require the permittee to indemnify the County against any responsibility or liability in contravention of Section 2782 of the Civil Code.
9. Other Work. This permit is to be strictly construed, and no work other than that specifically mentioned is authorized hereby.
10. Safety. All work shall be performed in a safe and workmanlike manner in accordance with all applicable laws and regulations.
11. Keep Permit on the Job. This permit shall be kept at the site of the work and shall be shown to any representative of the County Department of Public Works, or any law enforcement officer on request.
12. Protection of the Public. The work shall cause the least possible inconvenience to the traveling public. At least one-way traffic shall be maintained at all times during the working day (7 a.m. through 5 p.m.). Two-way traffic shall be maintained from the close of the working day to the start of the next working day. Department approval required for full width road closures. All warning signs, lights, devices, and procedures shall conform to the latest California Manual of Uniform Traffic Control Devices (CAMUTCD). All traffic associated with the work shall follow the provisions of the California Vehicle Code.
13. Standards of Construction. Any matter not specifically mentioned herein, or covered by direct reference, shall conform to the County Standard Improvement Specifications and drawings, and, if not covered therein, to Caltrans Standard Specifications and Plans.
14. County Inspection. All work shall be subject to County inspection, and shall be performed in accordance with County Standards to the satisfaction of the County.
15. Expense of Inspection. On work which in the judgment of the County requires the presence of an employee of the Department of Public Works as inspector, the actual cost (including salary, traveling expense, and overhead) of such inspection shall be paid by the permittee upon presentation of a statement therefore. The cost of any tests required by the County shall be borne by the permittee.
16. Bonds. The applicant shall provide a cash bond (with assignment to the County) in the amount specified on the Encroachment Permit which sum is deemed sufficient by the Department of Public Works and which bond or deposit aforesaid shall guarantee payment to the County for all costs of work of improvement, engineering, inspection, and related incidental expenses done or incurred by the County as is provided for herein. Expense of Inspections shall be paid current and/or the finalization of Encroachment Permit is required prior to release of Bonds.
17. Restoration of Right-of-Way. All portions of the right-of-way, and all adjacent areas directly affecting such, if disturbed by work pursuant to this permit, shall be promptly restored to prior condition (including the replacement of suitable material and/or the planting of vegetation) and shall be left in a presentable condition.
18. Existing Utilities. The permittee shall contact all utilities to determine the location of any existing facilities prior to any excavation. The underground Service Alert ticket number and name shall be kept on the job site and be available to any representative of the County Department of Public Works or any law enforcement officer on request. The permittee shall also contact the local water purveyor, sanitation district or other utility not affiliated with Underground Service Alert to advise them of the proposed project. The date and name of this contact must also be kept on the job site. The permittee shall immediately notify the owning utility of any damage to the existing facility.

19. Future Moving of Installation. In the event it becomes necessary, in the opinion of the County, to remove or relocate the encroachment permitted hereunder, such shall be accomplished by, and at the sole expense of, the permittee, and within such time and manner as may be required by the County. (Curb and gutter improvements constructed in accordance with approved County plans are exempted from this provision).
20. Taxation of Possessory Interests. Permittee recognizes and understands that this permit may create a possessory interest subject to property taxation, and that permittee may be subject to payment of taxes levied on such interest.
21. Joint and Several Obligation. If there is more than one permittee subject to the terms of this permit, then all of the terms of this permit shall bind the permittees individually and collectively, and said permittees shall be individually and collectively liable therefore.
22. Maintenance. The permittee agrees by the acceptance of this permit to exercise reasonable care to maintain properly any encroachment placed by it in the highway and to exercise reasonable care in inspecting for and immediately repairing and making good any injury to any portion of the highway which occurs as a result of the maintenance of the encroachment in the highway or as a result of the work done under this permit, including any and all injury to the highway which would not have occurred had such work not been done or such encroachment not placed therein.
23. Clear Zone. Any work performed in the right-of-way shall be designed and constructed so that a 10-foot wide area beside the edge of traveled way is clear of any obstructions. No above grade unyielding fixed objects shall be constructed within this clear zone unless specifically permitted by the County Director of Public Works. The director of Public Works may consider construction within the clear zone when it is designed in a manner to break away easily if hit by a moving vehicle.

#### **USA MEMBERSHIP REQUIREMENTS**

24. California Law. Every operator of a subsurface installation, except the Department of Transportation, shall become a member of, participate in, and share in the costs of, a regional notification center, (USA). Cal. Govt. Code Sections 4216-4216.9. "Operator" means any person, corporation, partnership, business trust, public agency, or other entity which owns, operates, or maintains a subsurface installation. For purposes of Section 4216.1 an "operator" does not include any owner of real property where subsurface facilities are exclusively located if they are used exclusively to furnish services on that property and the subsurface facilities are under the operation and control of that owner. "Subsurface installation" means any underground pipeline, conduit, duct, wire, or other structure, except non-pressurized sewer lines, non-pressurized storm drains, or other non-pressurized drain lines.

#### **UTILITY AND UNDERGROUND**

25. Cutting Pavement. All construction in asphalt shall be bored wherever possible. Open cut construction must be specifically permitted or may be authorized by the County inspector to accommodate unexpected field conditions. When pavement is cut it shall be done in a manner which causes the least possible damage to the adjacent pavement. After the utility is placed and the trench backfilled and based, the pavement shall be trimmed by sawing or other approved means to a sufficient width to removal displaced or damaged pavement. If the trench edge is within 2-feet of the edge of the roadway pavement, the entire 2-feet shall be removed and replaced.
26. Backfill. Bedding and shading material shall be consolidated and compacted by a field approved method. Backfill material shall be consolidated and compacted to the following standards: (Std. Dwg. U-4, U-4a, U-4b). Compaction tests shall be taken in locations as determined by the County Inspector. If approved by the County Inspector, excavations may be backfilled with vibrated sand slurry, or two sack cement slurry. All tests shall be conducted using Caltrans test methods.
27. Replacement of Pavement. The surface of all trenches in the traveled way shall be temporarily patched or otherwise surfaced at the end of each working day. Such temporary patching or other field approved surfacing shall be kept in a smooth, firm, dust-free condition for the safe use of the public for no more than 30 days before the final surface patch is required. Cold mix asphalt may be used as a temporary patch material; however, recessed metal plates are required on all arterial and major collector streets. Steel plate bridging shall conform to State Standards TR-0157. After the ditch edges have been trimmed, the base and pavement shall be replaced. The thickness of the base and paving to be replaced shall be determined in the field and shall be at least equal in section to that adjacent to the trench area; however, no pavement shall be less than 3" inches thick. Pavement shall be replaced with Type A hot mix asphalt which shall conform to State requirements for 1/2" maximum medium grading. Base material shall conform to State requirements for Class 2 Base.
28. Plowing. The use of a static plow within 5-feet of the edge of the pavement is prohibited. A vibrating plow may be used to within 1-foot off the edge of the pavement. Any pavement that is broken or otherwise disturbed by the plowing operations shall be removed and replaced. After plowing and prior to any compactive effort, the plow trench shall be flooded to attain a plastic condition. The trench shall then be compacted by wheel rolling or other suitable means.
29. General. Minimum cover over utilities shall conform to the County Standard U-1 drawing for installation. Maximum length of work under construction at any time shall not exceed 1,000 feet. Disposal of spoil material shall be outside the road right-of-way unless otherwise specifically approved by the County. Reasonable care shall be taken to avoid damage to major roots of trees. If an independent contractor installs a utility, the operator of the utility must accept the work before final approval of the work by the County.
30. Responsibility for Failures. The utility/service company that required the installation of facilities within the limits of the County right-of-way shall assume maintenance responsibility, in perpetuity, for any damage/failure to County maintained facilities as a result of such installation.